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March 9, 2022

**Via CMECF**

Honorable J. Paul Oetken  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Valery v. Wells Fargo & Company et. al.*, Case No. 1:21-cv-05464-JPO (S.D.N.Y.)

Dear Judge Oetken:

My firm is counsel for Ernst Valery, Plaintiff in the above-referenced matter. I write to provide this joint letter to apprise the Court of certain matters subject to the Court's scheduling order entered February 25, 2022. *See* ECF No. 85.

First, Plaintiff has elected to withdraw his Motion to Disqualify McGuireWoods, LLP as Counsel for Defendants Wells Fargo & Company and Wells Fargo Bank, N.A. ("Motion to Disqualify") [ECF No. 10] at this time. As previously conveyed to Defendants' counsel, it is not Plaintiff's intention to back away from or otherwise waive the issues presented in his motion but he believes, in the interest of judicial economy, that they are best adjudicated in *Ernst Valery Investments Corp. et al. v. McGuireWoods LLP*, Case No. 24-C-21-00594 (Md. Cir. Ct.), which is currently pending in Maryland state court with trial scheduled to begin on January 9, 2023. Accordingly, Plaintiff requests that the Motion to Disqualify previously filed in the Northern District of California and now pending in this Court be denied without prejudice. *See, e.g., Harris v. Butler*, 861 F. Supp. 61, 62, 64 (S.D.N.Y. 1997) (granting plaintiff's request to withdraw motion for attorney's fees by denying it without prejudice).

Wells Fargo does not object to Plaintiff's election to withdraw his Motion to Disqualify and takes no position regarding Plaintiff's reasons for withdrawing it.

Granted. Plaintiff's motion to disqualify  
(ECF #10) is denied without prejudice.  
So ordered: 3/11/2022

Very truly yours,

/s/ Jared H. Beck  
Jared H. Beck, Esq.  
*Admitted pro hac vice*

mail)



J. PAUL OETKEN  
United States District Judge